REMARKS

This Response is submitted in reply to the non-final Office Action mailed on May 11, 2009. No fee is due in connection with this Response. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-625 on the account statement.

Claims 1-12 are pending in this application. In the Office Action, Claims 1-12 are rejected under 35 U.S.C. §103. For at least the reasons set forth below, Applicants respectfully submit that the rejection should be withdrawn.

In the Office Action, Claims 1-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,499,389 B1 to Probst ("*Probst*") in view of U.S. Patent No. 5,768,981 to Cicchetti ("*Cicchetti*"). For at least the reasons set forth below, Applicants respectfully submit that the cited references fail to disclose or suggest each and every element of independent Claims 1 and 11 and Claims 3-10 and 12 that depend therefrom.

Independent Claims 1 and 11 recite, in part, a nozzle comprising a mouth for receiving steam, a restriction in a continuation of the mouth, a flared zone along the axis of the restriction and of the mouth to allow the liquid out, an inlet pipe for allowing in liquid, and an air intake formed directly on the inlet pipe as a hole, a slit or a pipe which opens into the inlet pipe, wherein the nozzle is disposable and configured in one piece formed from an assembly of two injection-molded welded plastic shells that are compatible with food use. By forming the nozzle in one piece rather than separate parts, the device does not contain regions adjoining parts where milk might be deposited during non-use. See, Specification, page 1, paragraph 14, lines 6-10. In addition, because the user cannot merely disassemble the parts to clean them, the user must dispose of the nozzle after a few uses, thereby ensuring good hygiene. See, Specification, page 1, paragraph 10. In contrast, the cited references fail to disclose every element of the present claims.

For example, the cited references fail to disclose a nozzle configured in one piece formed from an assembly of two injection-molded welded plastic shells that are compatible with food use. The Patent Office admits that *Probst* fails to disclose that its nozzle is configured in one piece and instead relies on *Cicchetti* for disclosure of the claimed element. See, Office Action, page 3, lines 4-9. Specifically, the Patent Office asserts that *Cicchetti* discloses "a mostly-one

piece (25) housing [including] a mouth (15), outlet (20) and perpendicular milk inlet (17)." See, Office Action, page 3, lines 6-7. However, Applicants respectfully note that the present claims do not recite a nozzle configured "mostly" in one piece but rather a nozzle configured in "one piece formed from an assembly of two injection-molded welded plastic shells." By forming the nozzle in one piece rather than "mostly in one piece," the device of the present claims eliminates regions adjoining parts where milk might be deposited during non-use, thus ensuring good hygiene. See, Specification, page 1, paragraph 14, lines 6-10.

Contrary to the Patent Office's assertion, *Cicchetti* is entirely directed to a steam heating device having several separate and disconnectable parts. See, *Cicchetti*, column 1, lines 57-67; column 2, lines 1-7 and 14-40. For example, *Cicchetti* expressly states that "as clearly viewed from the figures, the described device can be easily disassembled should a thorough cleaning be required." See, *Cicchetti*, column 2, lines 51-53. *Cicchetti* further teaches that its steam heating device 10 includes a dispenser 27 axially disposed within a duct 25. See, *Cicchetti*, column 2, lines 14-17. The "duct 25 and dispenser 27 are axially slidable relative to each other." See, *Cicchetti*, column 2, lines 23-24. These passages clearly show that the duct 25 and dispenser 27 are separate parts and cannot be formed as a single piece. In addition, *Cicchetti* discloses that "the valve unit 19 together with the starting portion of duct 17 [] can be bayonet-disconnected from body 29." See, *Cicchetti*, column 2, lines 37-39. As such, Applicants respectfully submit that *Cicchetti* is entirely directed to a steam heating device including several disconnectable parts and fails to disclose a nozzle configured in one piece as required, in part, by the present claims.

The Patent Office asserts that the duct (25) of *Cicchetti* is a nozzle configured in one piece in accordance with the present claims. See, Office Action, page 3, lines 6-7. However, Applicants respectfully submit that the "nozzle" of *Cicchetti* should be the entire device (10), rather than the duct (25). For example, the present claims require a nozzle which includes a mouth for receiving steam, a restriction in a continuation of the mouth, a flared zone along the axis of the restriction and of the mouth to allow the liquid out, an inlet pipe for allowing in liquid, and an air intake formed directly on the inlet pipe. In contrast, the component (25) of *Cicchetti* is merely a duct which extends rearwardly of the body (29) and is part of the delivery outlet of the steam heating device. See, *Cicchetti*, column 2, lines 14-17 and 29-32; Fig. 1.

Furthermore, Applicants respectfully submit that the duct (25) of *Cicchetti* is not a nozzle configured in one piece and formed from an assembly of two injection-molded welded plastic

shells as recited, in part, by independent Claims 1 and 11. Instead, the mouth for receiving steam (12) and the steam chamber (15) are formed as parts of the body (29), which is separable from duct (25). See, *Cicchetti*, column 2, lines 29-36 and 51-56; Fig. 1. Furthermore, the liquid inlet (13) and air inlet (14) are removably mounted onto the body (29). See, *Cicchetti*, column 2, lines 33-40; Fig. 1 ("[d]ucts 12 and 13 and the valve unit 19 project from the casing 30 through a side slit 31. The actuator body is snap-fastened to the casing 30 by means of locking tabs. . . the valve unit 19 together with the starting portion of duct 17 90 can be bayonet-disconnected from body 29"). Nowhere does *Cicchetti* disclose or suggest that its duct (25) is configured in one piece and formed from an assembly of two injection-molded welded plastic shells, nor does the Patent Office cite support for such claimed elements.

Cicchetti is entirely directed to a steam heating device which solves the prior art problems of sterilization by including "drivingly slidable blocking members for closing the delivery outlet, so that an inner-cleaning cycle may be performed on operation of the steam circulation." See, *Cicchetti*, column 1, lines 17-34. Nowhere does *Cicchetti* teach solving the sterilization problems by eliminating the regions adjoining parts and providing the nozzle as a single piece. To the contrary, *Cicchetti* teaches a device having several "individual components" which "can be easily disassembled should a thorough cleaning be required." See, *Cicchetti*, column 2, lines 51-56; Fig. 1. As such, Applicants respectfully submit that *Cicchetti* fails to disclose a nozzle configured in one piece as required, in part, by the present claims.

Moreover, Applicants respectfully submit that configuring the nozzles of *Probst* or *Cicchetti* into one piece would not have been obvious to one of ordinary skill in the art. *Probst* teaches that better cleaning can be achieved by using multiple individual elements. See, *Probst*, column 3, lines 43-46; column 4, lines 63-65 ("[f]or cleaning purposes, the element 2 and the additional element 18 are detachably held together by a sleeve"). Similarly, *Cicchetti* teaches disassembling the multiple individual components of its device for thorough cleaning. See, *Cicchetti*, column 2, lines 51-56; Fig. 1. By using multiple parts, prior art nozzles such as *Probst* and *Cicchetti* include regions where milk can be deposited and thus lead to bacterial contamination. See, Specification, page 1, paragraph 14, lines 6-12. The individual parts must therefore be disassembled in order to clean the nozzle, as clearly taught by *Cicchetti*. See, Specification, page 1, paragraph 2, lines 10-12. In direct contrast, the nozzle of the present claims is formed as a single piece whose parts cannot be disconnected in order to force the user

to dispose of the nozzle after a few uses, rather than disassembling the parts to clean the nozzle. See, Specification, page 1, paragraph 10; paragraph 14, lines 8-10. Nowhere do the cited references suggest that their nozzles may be formed in one piece or that doing so would be more hygienic. Instead, the references merely teach that better cleaning may be achieved by disassembling the multiple components. See, *Cicchetti*, column 2, lines 51-56. Thus, the cited references fail to disclose or even suggest a nozzle configured in one piece formed from an assembly of two injection-molded welded plastic shells in accordance with the present claims.

Accordingly, Applicants respectfully request that the rejection of Claims 1-12 under 35 U.S.C. §103(a) to *Probst* and *Cicchetti* be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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